

Message Text

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ACTION L-03

INFO OCT-01 AF-10 ISO-00 DHA-02 PRS-01 SS-15 OMB-01
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FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 7973
INFO AMCONSUL CAPE TOWN
AMCONSUL DURBAN
AMCONSUL JOHANNESBURG

C O N F I D E N T I A L PRETORIA 3290

E.O. 11652: GDS

TAGS: SF, SHUM, PINT, PINS, PORS
SUBJECT: VAN ROOYEN COMMISSION

REF: STATE 145099,

1. REPORT OF VAN ROOYEN COMMISSION (OFFICIALLY ENTITLED
REPORT OF THE COMMISSION OF INQUIRY INTO THE COLLECTION
OF VOLUNTARY CONTRIBUTIONS FROM THE PUBLIC) WAS TABLED IN
PARLIAMENT MAY 23 BY MINISTER OF SOCIAL WELFARE AND PENSIONS
J.P. VAN DER SPUY. REPORT WAS NOT ACTUALLY DEBATED OR
DISCUSSED BY PARLIAMENT. AFRIKAANS VERSION OF 334-PAGE
REPORT IS AVAILABLE AND BEING AIR POUCHED TO DEPT. ENGLISH
TRANSLATION IS EXPECTED TO BE PUBLISHED IN AUGUST AND WILL BE
FORWARDED TO DEPT AT THAT TIME.

2. COMMISSION, CONSISTING OF IZAK VAN ROOYEN, HENDRIK
CILLIERS, AND B.C. LOOTS, WAS APPOINTED IN AUGUST, 1974.
THEIR REPORT DEALS WITH PUBLIC CONTRIBUTIONS TO
RELIGIOUS, WELFARE, CHARITABLE, POLITICAL AND OTHER
ORGANIZATIONS, AND RECOMMENDS THAT ANY ORGANIZATION COLLECTING
PUBLIC VOLUNTARY CONTRIBUTIONS (ESTIMATED AT A TOTAL R135
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MILLION A YEAR) SHOULD BE REGISTERED IN ORDER TO PROTECT PUBLIC
AGAINST POSSIBLE MISUSE OF FUNDS. BULK OF REPORT APPEARS
NON-CONTENTIOUS, BUT A FEW PROVISIONS, IF IMPLEMENTED, WOULD
RESULT IN FURTHER RESTRICTIONS ON FOREIGN FUNDS FOR CERTAIN
PURPOSES IN SOUTH AFRICA. EMBASSY TRANSLATION OF SOME RELEVANT
SECTIONS OF REPORT FOLLOWS.

3. QUOTE: AFFECTED ORGANIZATIONS. (EMBASSY NOTE: UNDER THE AFFECTED ORGANIZATIONS ACT OF 1974, THE PARLIAMENT MAY DECLARE ANY ORGANIZATION "AFFECTED", THE RESULT OF WHICH IS TO DENY SUCH ORGANIZATION THE RIGHT TO RECEIVE FUNDS FROM ABROAD.) THE COMMISSION RECOMMENDS....THAT ORGANIZATIONS DECLARED TO BE AFFECTED ORGANIZATIONS BE PROHIBITED FROM RECEIVING ANY CONTRIBUTIONS FROM OTHER ORGANIZATIONS WHICH RECEIVE FOREIGN FUNDS, BUT THAT THEY BE RESPONSIBLE FOR THEIR OWN COLLECTIONS. END QUOTE. EFFECT OF THIS WOULD BE TO PUT FURTHER RESTRICTIONS ON SUCH GROUPS AS THE CHRISTIAN INSTITUTE (CI) AND NUSAS WHICH WERE DECLARED BY PARLIAMENT ON MAY 30, 1975 TO BE AFFECTED ORGANIZATIONS. REPORT GIVES EXAMPLE OF CI RECEIVING FUNDS FROM SOUTH AFRICAN COUNCIL OF CHURCHES (SACC) FOR JOINT PROJECTS UNDERTAKEN BY THE TWO GROUPS. SINCE SACC RECEIVES FUNDS FROM OVERSEAS, IT WOULD, UNDER COMMISSION'S RECOMMENDATION, BE PROHIBITED FROM CONTRIBUTING TO CI. REASONING IS THAT AFFECTED ORGANIZATIONS ARE NOW ABLE TO CIRCUMVENT PROHIBITIONS BY OBTAINING OVERSEAS FUNDS INDIRECTLY.

4. ON CONTRIBUTIONS FROM ABROAD FOR THE DEFRAIDAL OF COURT COSTS, REPORT STATES: QUOTE: "BEELD" OF MAY 6, 1975 REPORTED THAT: INNER-QUOTE: LARGE MONETARY CONTRIBUTIONS FROM ABROAD AND LOCAL SOURCES ARE BEING CHANNELLED THROUGH THE SOUTH AFRICAN COUNCIL OF CHURCHES AND THE AGENCY FOR SOCIAL JUSTICE AND PEACE OF THE ROMAN CATHOLIC CHURCH FOR CONFIDENTIAL

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COURT COSTS OF THIRTEEN ACCUSED APPEARING TODAY IN THE CO-CALLED SASO CASE IN PRETORIA. SOURCES CLOSE TO THE SACC EVEN SAID THAT THE FUNDS WERE SO LARGE THAT THEY COULD AFFORD TO PAY R25,000 A MONTH AS LONG AS THE TRIAL CONTINUED. MOREOVER, \$40,000 WAS CONTRIBUTED FROM CANADA TO HELP PAY THE COURT COSTS OF THE ACCUSED. END INNER-QUOTE. THERE IS NO CONTROL OVER THIS SORT OF FUNDING, OVER THE MAKING OR RECEIVING OF THIS TYPE OF CONTRIBUTION. THE MAIN CHARGE AGAINST THE DEFENDENTS WAS THAT THEY HAD CONSPIRED AND/OR THREATENED TO CHANGE THE COUNTRY BY REVOLUTIONARY OR VIOLENT MEANS. IT IS CONCEDED THAT ANY PERSON CHARGED WITH AN OFFENSE OUGHT TO HAVE THE RIGHT OF GOOD LEGAL REPRESENTATION AND THE SOUTH AFRICAN SYSTEM OF JUSTICE MAKES PROVISION FOR LEGAL REPRESENTATION WITHOUT COST. THE AVAILABILITY OF MONEY FROM OVERSEAS FOR TRIALS IN WHICH STATE SECURITY IS INVOLVED IS A HIGHLY UNDESIRABLE SITUATION. IF CONTROLS ARE PUT ON THE COLLECTION OF CONTRIBUTIONS FROM THE PUBLIC IN SOUTH AFRICA OVER FUNDS TO BE SENT ABROAD OR RECEIVED FROM ABROAD, THEN CONTROLS SHOULD ALSO BE IMPOSED ON CONTRIBUTIONS FROM ABROAD FOR PURPOSES CONNECTED WITH POLITICS. AFTER CONSIDERING ALL THE CIRCUMSTANCES AND WITNESSES HAVING A BEARING ON THE RECEIPT OF MONEY FROM ABROAD, THE COMMISSION COMES TO THE

CONCLUSION THAT STRONG CONTROLS IN THIS REGARD ARE REQUIRED.
UNQUOTE. COMMISSION THEN RECOMMENDS: QUOTE: CONCERNING
THE GIVING AND RECEIPT OF MONEY CONNECTED WITH POLITICAL
PURPOSES, OR USED FOR SUCH PURPOSES, THE MINISTER OF
JUSTICE SHOULD BE EMPOWERED TO PROHIBIT THE RECEIPT AND
EXPENDITURE OF SUCH FUNDS IF HE REGARDS IT AS CONTRARY TO
THE NATIONAL INTEREST. UNQUOTE.

5. THE VAN ROOYEN COMMISSION REPORT HAS ATTRACTED LIMITED
ATTENTION THUS FAR. CAPE TOWN DIRECTOR OF INSTITUTE OF RACE
RELATIONS WAS UNAWARE OF THE REPORT UNTIL EMBOFF CALLED ATTENTION
TO IT. AS AN AFFECTED ORGANIZATION AND ONE AT WHICH THE AFFECTED
ORGANIZATIONS ACT OF 1974 AND THE VAN ROOYEN STUDY WERE DIRECTED,
THE CHRISTIAN INSTITUTE IS CLOSELY FAMILIAR WITH THE REPORT.
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THE INSTITUTE HAS ISSUED A STATEMENT CONTESTING THE RATIONALE
OF THE REPORT AND ASSERTING THAT IT GIVES THE IMPRESSION OF
"A TOTALITARIAN REGIME EXTENDING ITS CONTROL OVER YET ANOTHER
ASPECT OF HUMAN LIFE". CHRISTIAN INSTITUTE DIRECTOR NAUDE
TOLD US HE HAS NO DOUBT THAT LEGISLATION EMBRACING THAT VAN
ROOYEN RECOMMENDATIONS WILL BE ADOPTED. WE HAVE AS YET NO
INDICATION WHEN THE PARLIAMENT WILL ACT ON THE REPORT, BUT THE
CHRISTIAN INSTITUTE EXPECTS IT WILL DO SO AT ITS
NEXT SESSION COMMENCING JANUARY, 1978. WE WILL FOLLOW AND
KEEP DEPT INFORMED OF DEVELOPMENTS.
BOWDLER

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